

405 KAR 30:300. Protection of the hydrologic system.

RELATES TO: KRS 350.600

STATUTORY AUTHORITY: KRS 151.125, 224.033, 350.028, 350.050, 350.600

NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.600 requires the Environmental and Public Protection Cabinet to develop administrative regulations for oil shale operations to minimize and prevent their adverse effects on the citizens and the environment of the Commonwealth. This administrative regulation sets forth requirements for minimizing disturbances to the hydrologic system.

Section 1. General. (1) Surface, underground, and in situ oil shale operations shall be planned and conducted in such manner as to minimize disturbance to the prevailing hydrologic balance in order to prevent long-term adverse changes in the hydrologic balance that could result from such operations, both on and off site.

(2) Changes in water quality and quantity, in the depth to groundwater, and in the location of surface water drainage channels shall be minimized such that the postmining land use of the disturbed land is not adversely affected and applicable federal and state statutes and regulations are not violated.

(3) Operations shall be conducted so as to minimize water pollution and shall, where necessary, use treatment methods to control water pollution. The permittee shall emphasize practices which will prevent or minimize water pollution and changes in flows in preference to the use of water treatment facilities. Such practices include, but are not limited to, stabilizing disturbed areas through grading, diverting run-off, achieving quick growth stands of temporary vegetation, lining drainage channels with rock or vegetation, mulching, sealing acid-forming and toxic-forming materials and selectively placing waste materials in backfill and disposal areas. If pollution can be controlled only by treatment, necessary water treatment facilities shall be constructed, operated, and maintained by the permittee for as long as treatment is required.

Section 2. Sealing of Surface Openings. (1) All exploration holes, other drill or boreholes, or wells shall be sealed in accordance with the provisions of 405 KAR 30:270 relating to the casing and sealing of drilled holes unless otherwise approved by the cabinet.

(2) Shafts and other openings not covered under subsection (1) of this section shall be sealed or otherwise managed to prevent pollution of surface or groundwater and to prevent mixing of groundwater of significantly different quality.

(3) Water rights and replacement. The permittee shall replace the water supply of an owner of interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate uses from an underground or surface source where such supply has been affected by contamination, diminution, or interruption resulting from an oil shale operation by the permittee. (8 Ky.R. 123; eff. 3-1-1982; TAm eff. 8-9-2007; Crt eff. 7-3-2018.)